

Planning Commission Date: January 24, 2007

Item No. **7**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Cindy Hom

Public Hearing: Yes: X No:

Notices Mailed On: 1/12/07

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Posted On: 1/12/07

TITLE: **USE PERMIT NO. UP2006-21 and "S" ZONE APPROVAL AMENDMENT NO. SA2006-66**

Proposal: A request to locate a roofing contractor's yard and office with minor site modifications.

Location: 182 Topaz Street (APN 86-39-033)

RECOMMENDATION: **Approval with conditions.**

Applicant: Michael Blue, Blue's Roofing Company 1181 Campbell Ave., San Jose, CA 95126

Property Owner: Digicom Holdings Inc, 186 Topaz Street, Milpitas, CA 95035

Architect: David Yocke, HMM Engineers, 1570 Oakland Road, San Jose, CA 95131

Previous Action(s): "S" Zone Approval, "S" Zone Approval Amendment

Environmental Info: Categorically Exempt per Section 15301(Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines

General Plan Designation: Manufacturing and Warehousing

Present Zoning: Heavy Industrial (M2) District

Existing Land Use: Industrial building

Agenda Sent To: Applicant, property owner and architect

Attachments: Project plans, letter of description

PJ No. 2467

BACKGROUND

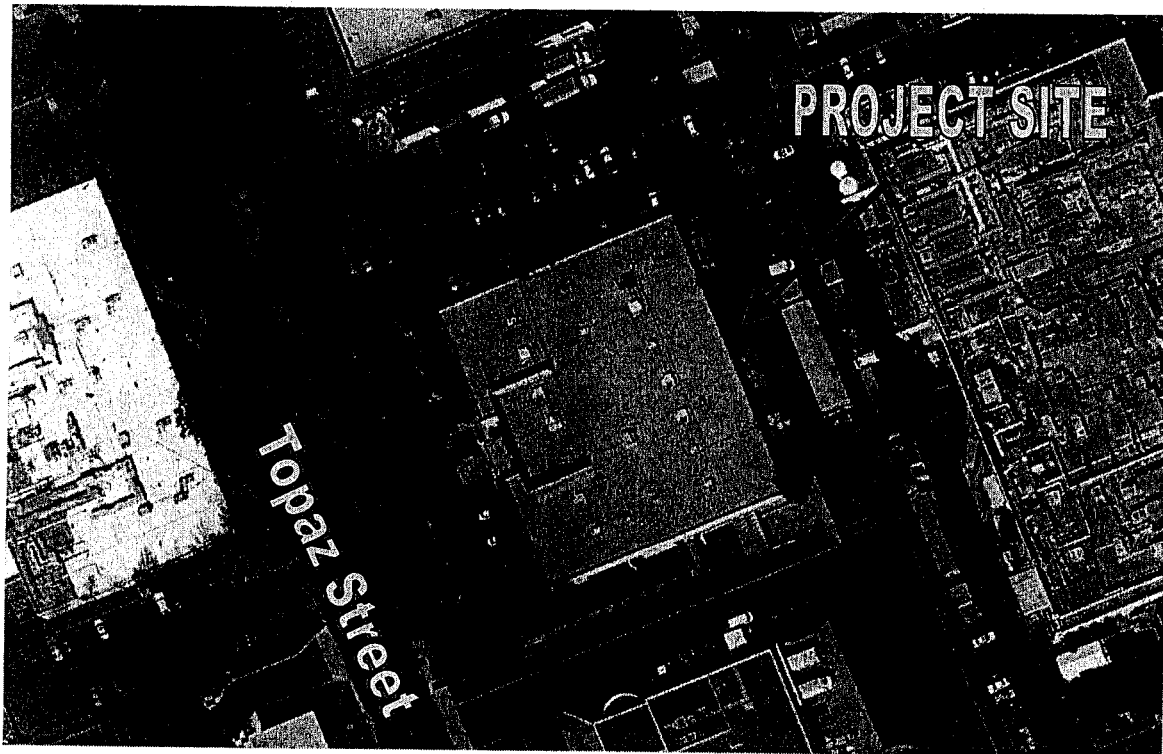
In April 1984, the Planning Commission approved the development of a 32,396 square foot research and development building with parking and landscaping. Subsequent amendments includes an "S" Zone Approval Amendment in October 1984 to add a depressed loading dock at

the rear of the building and 11-foot screen masonry screen wall and an "S" Zone Approval Amendment for the installation of a 5'-8" monument sign.

Site Description

The subject site is located on a 2.27-acre lot and is bounded by Topaz Street to the west and industrial buildings to the north, east, and south. The subject site and adjacent properties are zoned Heavy Industrial (M2), which include numerous uses such as heavy and light industrial, research and development, heavy rail (west of site) and a nearby billiards center.

The site is currently developed with a 32,396 square foot industrial building. Existing site improvements include mature landscaping, trash enclosure, loading dock with screen wall, and a parking lot with two access driveways off of Topaz Street at the north and south ends of the property. An aerial photo of the site is provided below:



THE APPLICATION

The application is submitted pursuant to Title XI, Chapter 10, Sections 31.03-6 (Heavy Industrial, Conditional Uses –Construction or contractor's yard and offices when wholly conducted within an area enclosed on all sides with a solid wall or fence, Section 42 (Site and Architectural Review) and Section 57.00 (Use Permits) of the Milpitas Zoning Ordinance. The applicant is requesting to locate a roofing contractor's office and yard.

Project Description

The applicant is proposing to occupy the subject site for a roofing contractor's office and yard. The applicant will be relocating its current facility in San Jose to Milpitas.

Site Layout

The applicant proposes no changes to the existing site layout and will maintain the existing building footprint, landscaping, and location of the trash enclosure, driveways, and truck dock.

Floor Plan

The proposed uses of the building include approximately 10,853 square feet of office space that will accommodate (17) employees which includes (14) office staff members, (1) yard person, and (2) mechanics. The company also includes (22) foremen that oversee the work at job sites. They utilize commercial vehicles and are on-site in the morning to pick up materials and supplies but work at the job sites. Blue's Roof employs between 35-50 roofers that report at the job site only. The remaining 21,543 square feet of the building is used for storage and warehousing of equipment, supplies, and tools.

Exterior Storage Area

The applicant is proposing to utilize the rear and portions of the side yard as an exterior storage area. Currently the site has an existing 6-foot tall fence enclosure at the rear of the building. The fencing will be repositioned to enclose a portion of the side yard and the rear lot. The proposed exterior storage will be screened with an 8-foot tall privacy fence to provide a secured area for company vehicles, trailers, and materials such as tile and wood. No machinery will be used outside of the building.

Reface of Existing Sign

Per the Milpitas Sign Ordinance (XI-30-3.01 (e), staff may approve sign modification provided the sign type, size and location are unchanged. As noted, the applicant is proposing a sign reface and therefore does not require Planning Commission review. Applicant shall sign plan as a separate permit for staff review.

Conformance with the General Plan

The proposed use conforms to the General Plan in terms of land use. The proposed use does not conflict with any of the General Plan Implementing principles and policies and is consistent with the following:

Implementing Policy 2.a.I-3 Encourage economic pursuits which strengthen and promote development through stability and balance.

Comment: The proposed project would fill an industrial vacancy with an income generating use that is appropriate to the industrial zone.

Implementing Policy 2.a.I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication and business retention.

Comment: The proposed project would expand employment opportunities within the city.

Conformance with the Zoning Ordinance

The proposed roofing contractor's yard and office is consistent with the Heavy Industrial "M2" district in terms of land use. The M2 zone conditionally permits contractor's yards and offices with review and approval by the Planning Commission. The proposed project complies with the following:

M2 Development Standards	Existing	Proposed	Complies
Height – 3 stories or 35 feet	21	No change	Yes
FAR – 40%	33%	No change	Yes
Front Yard – 25 feet	99'	No change	Yes
Rear Yard - none	99	No change	Yes
Side Yard – none except street side yard shall be the same as the front yard setback.	56' and 41'	No change	Yes
Landscaping – Required front yard area and street side yard area	Front and side yards	No change	Yes

ISSUES

Parking

The site was developed with 122 parking spaces. To accommodate the expanded exterior storage area, the applicant is proposing to remove 77 of parking spaces. The deletion of parking spaces will not create a parking deficit. As demonstrated in the Parking Table below, the 45 on-site parking spaces satisfies the parking requirements as per Section 53 (Parking Regulations and Development Standards) of the Milpitas Zoning Ordinance.

Parking Table:

Use	Square Footage	Parking Ratio	Number of Parking Spaces Required
Office	10,853	1/350 GFA	14
Warehouse	21,543	1/1500 GFA	31
Total Required			45
Total Provided			45

To ensure that the site maintains adequate parking, **staff recommends** a condition of approval that any future office addition shall be submitted to the Planning Division for review and approval to ensure compliance with parking requirements. The applicant shall provide the required parking for any future office addition. Furthermore, staff also recommends a condition of approval that applicant maintain the 29 parking spaces for the company vehicles within the storage enclosure area and show them on the building permit plans. Lastly, staff recommends a condition of approval that upon cessation of the business, the applicant shall remove the fencing and restore the original 77 parking spaces.

Privacy Fencing

The exterior storage area will utilize an 8-foot tall privacy fence. Staff recommends a condition of approval that the fencing shall consist of vinyl clad chain link fence with slats that shall match or complement the building to comply with the development standards for fencing (XI-10-42.10-2 (H) (2)(b)).

To ensure that vehicles, trailers, and materials are screened from worst-case viewpoints, **staff recommends** a condition of approval that the storage of all materials shall be contained within the enclosure and shall not exceed the height of the fence.

As shown on the plans, the proposed fencing shall comply with the City's Fire Department emergency access requirements. **Staff recommends** a condition of approval that shall require the fire apparatus access path remain free and clear and unobstructed at all times and shall be demonstrated on the building permit plans.

Trash Enclosure

The trash enclosure is located within the secured fence area. As demonstrated on the plans, the applicant has adequate turn around required for servicing trash and recycling. **Staff recommends** as a condition of approval, prior to building permit issuance, the applicant shall submit evidence that they have obtained a contract for trash and recycling service.

Conformance with the "S" Zone Combining District

As conditioned above, the project complies with the "S" Zone Combining District. The project proposal will be compatible and aesthetically harmonious with the existing and adjacent buildings in the area. Staff concludes that no adverse visual impacts would result from the proposed project.

Neighborhood/Community Impact

Granting of the requested Use Permit to locate a contractor's yard and office is not anticipated to adversely impact any surrounding land uses for the following reasons: (1) it appropriate land use for the Heavy Industrial zone; (2) As condition the proposed fencing will be harmonious and complement the main building, (3) will not generate odor, trash, or impact parking or traffic.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities", Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit No. UP2006-21 and "S" Zone Approval Amendment No. SA2006-66 based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project is consistent with the Milpitas General Plan in terms of land use because the business is compatible with neighboring service businesses, encourages economic pursuits and promotes a new viable business within the City.
2. The proposed project, as conditioned, is consistent with the Zoning Ordinance in terms of use. Contractor's yards and offices are conditionally permitted in the M2 district. The proposed security fencing is consistent with the Section 42 development standards for fencing terms of location and materials.
3. The proposed project would not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare. As conditioned, the project is not anticipated to result in a negative community impact as the contractor's yard and office would not generate any new odors, noise or traffic and would provide adequate parking.
4. As conditioned, the project complies with the "S" Zone Combining District in that, building exterior and landscaping are compatible and aesthetically harmonious with the existing building and no adverse visual impacts would result from the proposed project.

SPECIAL CONDITIONS

1. Use Permit No. UP2006-21 approval is for a roofing contractor's yard and office located at an existing 32,369 square foot industrial building in accordance with the plans approved on

- January 24, 2007 and as modified by the conditions of approval. Any modification to the project as proposed will require a use permit amendment by the Planning Commission. (P)
2. The "S" Zone Approval Amendment No. SA2004-95 approval is for installing a new 8 foot tall privacy fencing and removal of 77 parking spaces to accommodate an enlarged exterior storage enclosure as shown on the plans approved on January 24, 2007 and as modified by the conditions within this approval. (P)
 3. All rooftop equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment detailed architectural plans for the screening of this equipment demonstrating that the equipment from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
 4. Prior to building permit issuance, the applicant submit a roof plan indicating where the existing rooftop equipment would be relocated and show any new equipment, which must be screened from view via parapet or a roof screen. (P)
 5. Any future office addition shall be submitted to the Planning Division for review and approval to ensure compliance with parking requirements. The applicant shall provide the required parking for any future office addition. (P)
 6. The applicant shall maintain 29 parking spaces for storage of company vehicles within the storage enclosure area. Parking spaces shall be shown on the building permit plans. (P)
 7. Upon cessation of the business, the applicant shall remove the fencing and restore the original 77 parking spaces.
 8. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
 9. Fencing shall consist of vinyl clad chain link fence with slats that shall match or complement the building (P)
 10. Storage of all materials shall be wholly contained within the enclosure and shall not exceed the height of the fence. (P)
 11. Fire apparatus access path shall remain free and clear and unobstructed at all times and shall demonstrate on the building permit plans. (P)
 12. The applicant shall maintain adequate turn around required for servicing trash and recycling. (P) (E)
 13. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the

applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. Additionally, service truck ingress/egress access to the enclosure shall be open and unobstructed on the collection days, and applicant/property owner is advised that an additional "push & return fee" may be applied if direct access is denied. For general information, contact BFI at (408) 432-1234. (E)

14. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
15. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements or public right of way. (E)
16. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
17. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
18. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)
19. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Industries are required to make an evaluation of their specific site activities and determine their permit requirements. If a permit is required, industries must prepare the following documents:
 - File a Notice of Intent (NOI) prior to building permit issuance.
 - Prepare and submit a Storm Water Pollution Prevention Plan with the NOI.
 - Prepare a Monitoring Plan prior to operation. (E)If you have questions about your specific requirements contact the RWQCB at (1-800) 794-2482. For general information contact the City of Milpitas at (408) 586-3329. (E)
20. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers, including construction activities, to eliminate as much as possible pollutants entering our

receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

21. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". (E)

(P) = Planning Division

(E) = Engineering Department

(F) = Fire Department

Conditional Use Permit

for

Blue's Roofing - Topaz Street

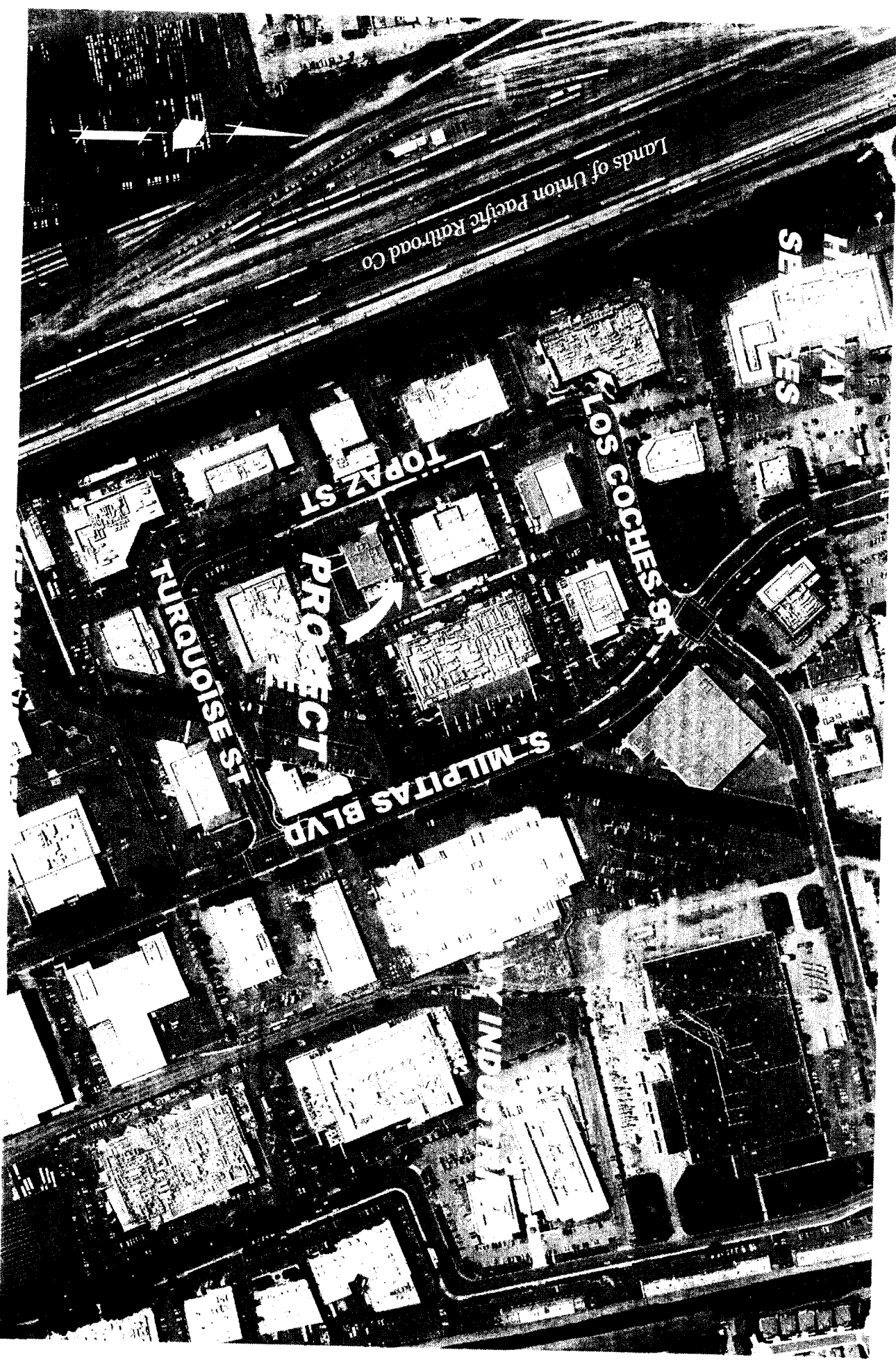


Table of Contents	
C-1	Cover Sheet
C-2	Site Plan
C-3	Fire Truck Turning Analysis
A2.1	Floor Plan

Project Information

APN: 086-39-033

Gross Site Area: 2.27 Ac

Building Square Footage: 32,396 Sq. Ft.

FAR: 3:1

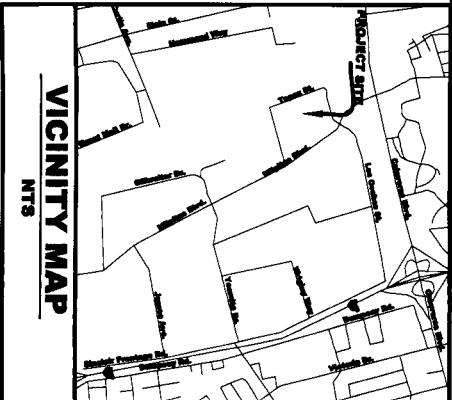
Description: Conditional Use Permit to Allow an Industrial Business and accompanying machinery onto a parcel currently zoned Heavy Industrial.

RECEIVED

DEC 2 9 2006

CITY OF MILPITAS
PLANNING DIVISION

Δ		Blue's Roofing Company 1181 Campbell Ave San Jose, CA95126	Date: 12.28.06	HMH San Jose (408) 487-2200 Gilroy (408) 846-0707 www.hmh-engineers.com	182 Topaz St Cover Sheet California	Sheet C-1 or JOB NUMBER 3594.00
Δ						
Δ						
Δ						
Δ						
Δ		REVISIONS	Drawn: VR	File: 359400SCUP		
Δ			Checked: VR			
Δ			Proj. Engr: DR			
BT	DATE					



Legend

- Project Boundary
- Existing Fire Hydrant
- Garbage Turn-Around Area

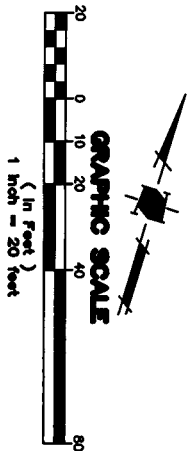
APN: 086-39-033
BUILDING: 32,396 SQ. FT
FAR: 3:1

Parking Standards

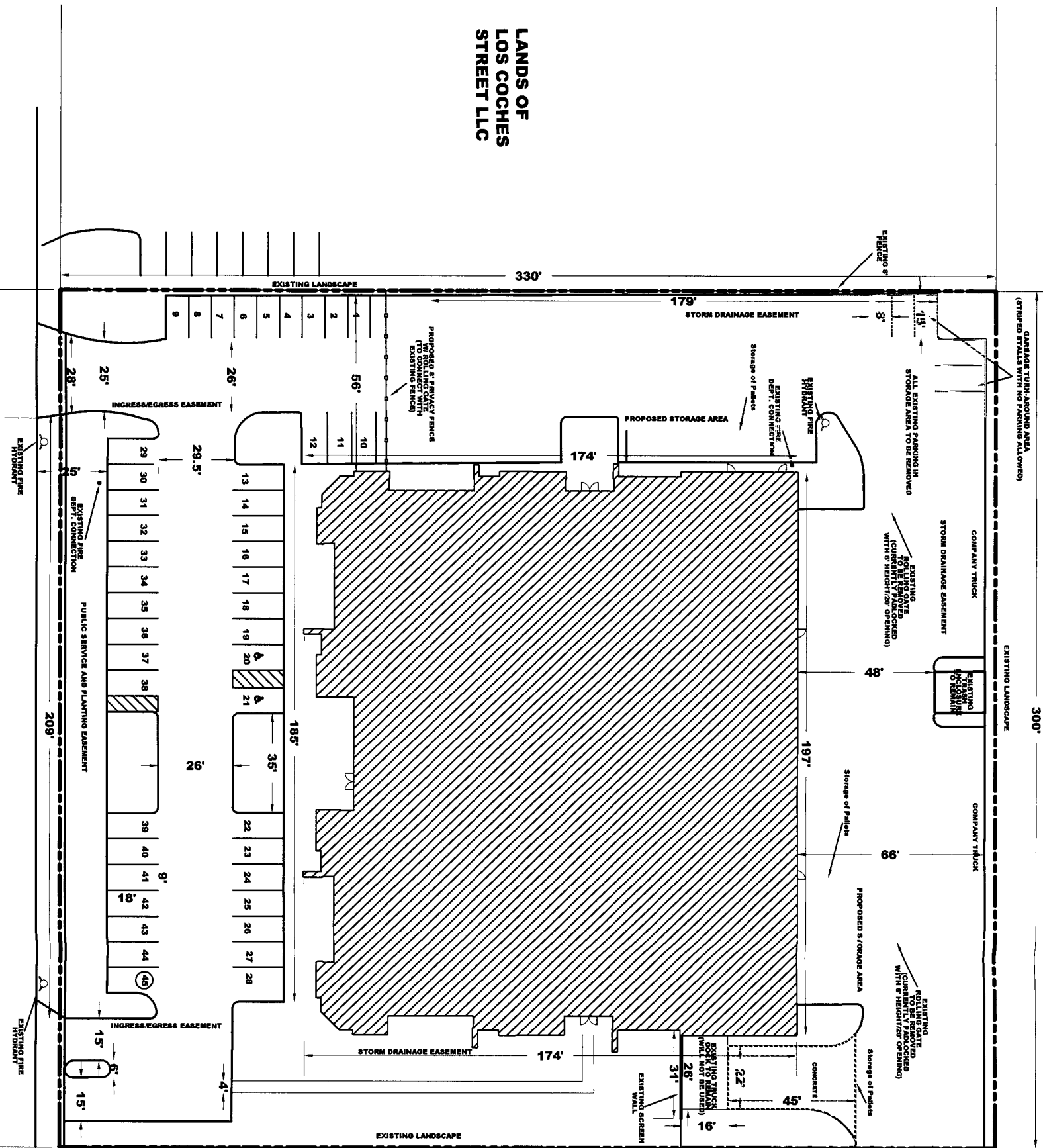
Parking Required:
Warehouse (21,543 Sq. Ft.): 14 Spots
Office (10,853 Sq. Ft.): 31 Spots
@ 1/1,500 Sq.Ft.
Parking Provided:
Regular Stalls: 45 Spots
Compact Stalls: 34 Spots
Handicapped: 9 Spots
2 Spots

Notes:

- NO LANDSCAPE MODIFICATIONS ARE BEING PROPOSED WITH THIS APPLICATION
- ALL EXISTING PARKING LOCATED IN PROPOSED STORAGE AREA TO BE REMOVED
- PROJECT PROPOSES NO NEW ROOFTOP EQUIPMENT
- NO EXTERIOR MACHINERY WILL BE USED OUTSIDE OF WAREHOUSE
- THE SITE WILL FOLLOW ALL FIRE LANE POSTING REQUIREMENTS
- SITE WILL STORE LIMITED COMPANY VEHICLES, MATERIALS SUCH AS TILE AND WOOD, AND TRAILERS FOR THE COMPANY VEHICLES
- NO MANUFACTURING WILL OCCUR ON SITE
- NO CUTTING OR WELDING WILL BE DONE ON SITE
- NO MOTOR VEHICLE FLUIDS AND HAZARDOUS MATERIALS WILL BE STORED OUTSIDE. IF IT IS DECIDED TO DO SO, PERMITS WILL BE SOUGHT
- NO EXTERIOR MODIFICATIONS WILL BE DONE OTHER THAN COVERING EXISTING SIGN EMBLEM AND REPLACING IT WITH NEW EMBLEM
- NO STORAGE WILL BE PLACED IN EVA EASEMENT AREA



TOPAZ ST



LANDS OF
LOS COCHES
STREET LLC

LANDS OF
OHKA
AMERICA INC

Blue's Roofing Company
1181 Campell Ave
San Jose, CA95126

Date	12/28/08
Scale	1"=20'
Designed	DY
Drawn	DY
Checked	VS
Proj. Engr	
File	3594.00CUPSP

HWH
ENGINEERS

San Jose
(408) 447-2200
Gilroy
(408) 244-0707
www.hwh-engineers.com

182 Topaz St

Site Plan

California

Sheet
C-2
of
Sheets
JOB NUMBER
3594.00

GARBAGE TURN-AROUND AREA
(STRIPED STALLS WITH NO PARKING ALLOWED)

COMPANY TRUCK

STORM DRAINAGE EASEMENT

COMPANY TRUCK

PROPOSED EVA GATE
(TO CONNECT FENCE
DOCK CORNER WALL)

INGRESS/EGRESS EASEMENT

PROPOSED STORAGE AREA

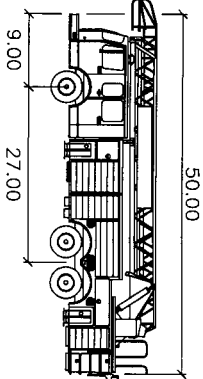
STORAGE OF PALLETS
AND OTHER MATERIALS

VICINITY MAP

NTS

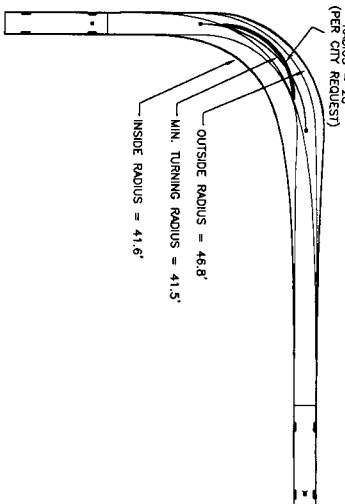
LANDS OF
LOS COCHES
STREET LLC

LANDS OF
OHKA
AMERICA INC

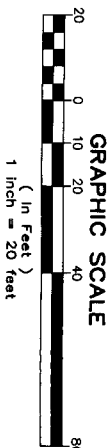


Fire Truck—50 feet

Width : 9.00
Track : 9.00
Lock to Lock Time : 6.00
Steering Angle : 44.10



TOPAZ ST



Δ		
Δ		
Δ		
Δ		
Δ		
Δ		
BY	DATE	

Blue's Roofing Company
1181 Campbell Ave
San Jose, CA95126

Date: 12.28.06
Scale: 1" = 20'
Designed: DY
Drawn: JC
Checked: VR
Proj. Engr: DRR
File: 359400CJP-FIRE

HVH
ENGINEERS

San Jose
(408) 467-2200
Gilroy
(408) 246-0707
www.hvh-engineers.com

182 Topaz St
Fire Truck Turning Analysis

Millpitas

California

Sheet
C-3
of
Sheets
JOB NUMBER
3594.00



wayne renshaw
architects

Suite 950
111 West St. John Street
San Jose, CA 95113
(408) 288 8033
fax 989 6637



Blues Roofing

188 Topaz Street
Milpitas, CA

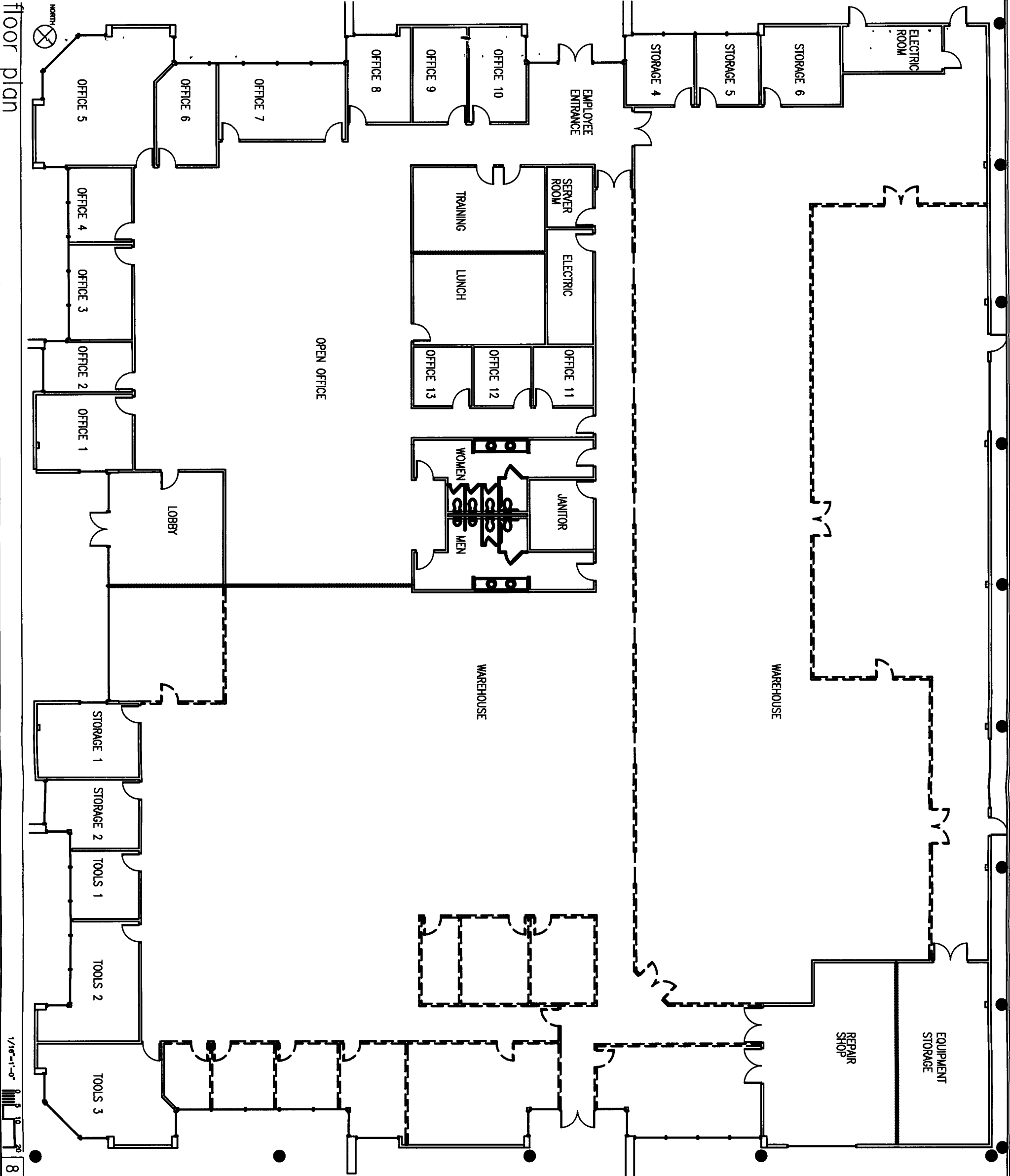
revision history	
description	date
client review	date
plan check	
sketch	
construction	

scale	1/8"=1'-0"
date	2000
file #	10
scale	1/8"=1'-0"

floor
plan
A2.1

floor plan legend

SYMBOL	DESCRIPTION
[Symbol]	EXISTING WALL
[Symbol]	NEW NON-BEARING WALL
[Symbol]	REMOVE EXISTING WALL



floor plan